

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 5:07CV50
(STAMP)

LEONARD REYNOLDS, D.P.M.,

Defendant.

ORDER GRANTING MOTION TO RESCHEDULE
RULE 55 EVIDENTIARY HEARING

On July 12, 2007, this Court entered an order continuing generally an evidentiary hearing on default judgment in this matter and establishing a briefing schedule to give the defendant, through counsel, an opportunity to explain his failure to plead or otherwise respond in this action. The deadline established for the defendant to file a motion to set aside the entry of default was July 25, 2007. The defendant has not filed such motion or any other motion since the order continuing the evidentiary hearing was entered. On September 27, 2007, the government filed a motion to reschedule the Rule 55 evidentiary hearing. The defendant did not file a response to the government's motion.

Because the deadline established for the defendant to file a motion to set aside the entry of default or otherwise respond to entry of default has passed, the Rule 55 evidentiary hearing is hereby RESCHEDULED. In order to enable the Court to enter default judgment and to carry it into effect, it is ORDERED that a hearing before the undersigned judge shall be conducted on plaintiff's

motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) on November 26, 2007 at 3:45 p.m. at the South Courtroom, Federal Building, Twelfth and Chapline Streets, Wheeling, West Virginia 26003. Plaintiff shall be prepared to prove the amount of damages and to establish the truth of the averments in the complaint.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: October 22, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE